

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HYRUM S. JOHNSON,	)	
	)	
Plaintiff,	)	8:05CV373
	)	
v.	)	
	)	
UNION PACIFIC RAILROAD	)	MEMORANDUM AND ORDER
COMPANY, a Delaware	)	
Corporation,	)	
	)	
Defendant.	)	
	)	

On December 14, 2006 the defendant has moved to extend all deadlines in the court's progression order by 45 days to accommodate the parties' attempts to settle this case through mediation. Filing 53. The court was later advised that the plaintiff does not object to Union Pacific's motion to continue, is willing to mediate, and by mutual agreement, mediation is scheduled for February 5, 2007. The parties requested a stay of these proceedings pending the outcome of mediation. Absent settlement or an order continuing this case, trial will begin on February 26, 2007.

On December 22, 2006 the defendant filed a motion to compel the plaintiff to attend his continuing deposition and an independent medical examination (IME). Filing 55. The motion to compel states that both the continuation of plaintiff's original deposition and the IME were scheduled for Wednesday, December 20, 2006 in Omaha, Nebraska,<sup>1</sup> but the plaintiff neither appeared for the deposition nor attended the IME. The defendant claims both

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<sup>1</sup>The notice to take the plaintiff's deposition on December 20, 2006 was filed on November 6, 2006. See filing 50.

the deposition and IME must be completed before the scheduled mediation so that the railroad can be fully informed during the anticipated settlement negotiations.

The scheduled mediation and trial are both fast-approaching. The court shall therefore require the plaintiff to file an expedited response to defendant's motion to compel.

IT THEREFORE HEREBY IS ORDERED: The plaintiff's response to the defendant's motion to compel, filing 55, shall be filed on or before January 3, 2007. No reply brief shall be permitted absent leave of the court for good cause shown.

DATED this 26<sup>th</sup> day of December, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge